

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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Lisa Breslaw,

Plaintiff,

v.

Peter Cooper,

Defendant.

Case No. 2:25-cv-00384-APG-DJA

Order

Pro se Plaintiff Lisa Breslaw filed an application to proceed *in forma pauperis*. (ECF No. 1). However, Plaintiff's application is missing certain information. The Court thus denies Plaintiff's application without prejudice.

I. Discussion.

Under 28 U.S.C. § 1915(a)(1), a plaintiff may bring a civil action "without prepayment of fees or security therefor" if the plaintiff submits a financial affidavit that demonstrates the plaintiff "is unable to pay such fees or give security therefor." The Ninth Circuit has recognized that "there is no formula set forth by statute, regulation, or case law to determine when someone is poor enough to earn [*in forma pauperis*] status." *Escobedo v. Applebees*, 787 F.3d 1226, 1235 (9th Cir. 2015). An applicant need not be destitute to qualify for a waiver of costs and fees, but he must demonstrate that because of his poverty he cannot pay those costs and still provide himself with the necessities of life. *Adkins v. E.I DuPont de Nemours & Co.*, 335 U.S. 331, 339 (1948).

The applicant's affidavit must state the facts regarding the individual's poverty "with some particularity, definiteness and certainty." *United States v. McQuade*, 647 F.2d 938, 940 (9th Cir. 1981) (citation omitted). If an individual is unable or unwilling to verify his or her poverty, district courts have the discretion to make a factual inquiry into a plaintiff's financial status and to deny a request to proceed *in forma pauperis*. See, e.g., *Marin v. Hahn*, 271

1 Fed.Appx. 578 (9th Cir. 2008) (finding that the district court did not abuse its discretion by
2 denying the plaintiff's request to proceed *in forma pauperis* because he "failed to verify his
3 poverty adequately"). "Such affidavit must include a complete statement of the plaintiff's
4 personal assets." *Harper v. San Diego City Admin. Bldg.*, No. 16-cv-00768 AJB (BLM), 2016
5 U.S. Dist. LEXIS 192145, at *1 (S.D. Cal. June 9, 2016). Misrepresentation of assets is sufficient
6 grounds for denying an *in forma pauperis* application. *Cf. Kennedy v. Huibregtse*, 831 F.3d 441,
7 443-44 (7th Cir. 2016) (affirming dismissal with prejudice after litigant misrepresented assets on
8 *in forma pauperis* application).

9 On her application, Plaintiff claims to make no money; to not be employed; and to have
10 no money in any account and no bills of any kind. The only information she includes on her
11 application is that she has a "[s]tudent loan of over \$25,000 (currently in forbearance)." But
12 Plaintiff does not describe the amounts owed and to whom they are payable as required by
13 question 8.

14 On the docket, Plaintiff includes an address. The Court takes judicial notice of the fact
15 that public records reveal the address is an apartment complex. But Plaintiff does not provide any
16 details in the application regarding how she pays rent, how she pays utilities or other bills, or how
17 she lives considering her claim to have no money and no bills. The Court finds that Plaintiff has
18 omitted information from the application. As a result, the Court cannot determine whether
19 Plaintiff qualifies for *in forma pauperis* status.

20 The Court will give Plaintiff one opportunity to file a complete *in forma pauperis*
21 application on this Court's Long Form application. The Court further orders that Plaintiff may
22 not respond with a zero or "not applicable" in response to any question without providing an
23 explanation for each of the questions. Plaintiff also may not leave any questions blank. Plaintiff
24 must describe each source of money that she receives, state the amount she received, and what
25 she expects to receive in the future.

26 The Court denies Plaintiff's *in forma pauperis* application without prejudice. The Court
27 gives Plaintiff 30 days to file an updated application. Plaintiff must fully answer all applicable
28

1 questions and check all applicable boxes. Plaintiff may alternatively pay the filing fee in full.
2 Since the Court denies Plaintiff's application, it does not screen the complaint at this time.

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4 **IT IS THEREFORE ORDERED** that Plaintiff's application to proceed *in forma*
5 *pauperis* (ECF No. 1) is **denied without prejudice**.

6 **IT IS FURTHER ORDERED** that Plaintiff has until **May 19, 2025**, to file an updated
7 application to proceed *in forma pauperis* as specified in this order or pay the filing fee. Failure to
8 timely comply with this order may result in a recommendation to the district judge that this case
9 be dismissed.

10 **IT IS FURTHER ORDERED** that the Clerk of Court is kindly directed to send Plaintiff
11 a copy of this order and of the Long Form application to proceed *in forma pauperis* and its
12 instructions.¹

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14 DATED: April 17, 2025

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17 DANIEL J. ALBREGTS
18 UNITED STATES MAGISTRATE JUDGE
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28 ¹ This form and its instructions can also be found at <https://www.nvd.uscourts.gov/court-information/forms/> under Code AO 239.